

GR 97 P 3021 P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas Fehn  
CIP of Applic. : 09/358,288 filed July 21, 1999  
CIP Filed : December 21, 2001  
Title : Method of Initializing a Simulation of the  
Behavior of an Industrial Plant, and  
Simulation System for an Industrial Plant  
Examiner : William D. Thomson  
Group Art Unit : 2123

P R E L I M I N A R Y L E T T E R

Hon. Commissioner of Patents and Trademarks,  
Washington, D. C. 20231

S i r :

Responsive to the final Office action dated September 21,  
2001, in regard to the Parent Application No. 09/358,288, the  
following remarks are made:

Consideration of the CIP application is requested.

Claims 1-6 are in the CIP application.

In item 4 on page 3 of the above-identified Office action, the  
drawings have been objected to under 37 CFR 1.83(a). More  
specifically, the Examiner has stated that the manner in which

the system or simulator can determine for each of the number of outputs which parameters cannot be derived from other parameters to be fed to the component; and entering only those parameters which cannot be derived from the other parameters to be fed to the component must be shown". It is believed that newly entered Figs 4 and 5 are believed to have resolved the above-noted objection of the Examiner.

In item 7 on page 4 of the Office action, claims 1, 3-5 have been rejected as containing subject matter which was not (sufficiently) described in the specification under 35 U.S.C. § 112, first paragraph. More specifically, the Examiner has stated that "Applicant has not provided, in an enabled fashion, a manner in which one of ordinary skill in art could determine for each of the number of outputs which parameters cannot be derived from other parameters to be fed to the component; and entering only those parameters which cannot be derived from the other parameters to be fed to the component." Newly entered subject matter in the CIP is believed to have resolved the above-noted rejection of the Examiner

In item 10 on pages 12-14 of the Office action, claims 1, 3-5, 7, and 8 have been rejected as being anticipated by *Ghosh et al.* or *Robinson et al.* or *Brown et al.* or *Skeirik* or *Carrette et al.* and rejected under 35 U.S.C. § 102 as being clearly anticipated by *Malin et al.*

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended in the CIP to overcome the references.

For the reasons brought forward in the response mailed June 27, 2001, it is believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 and 5. Claims 1 and 5 are, therefore, believed to be patentable over the art and since claims 2-4 are dependent on claim 1 and claim 6 is dependent on claim 5, claim 6 is believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-6 are solicited.

Please charge any fees which might be due with respect to  
Sections 1.16 and 1.17 to the Deposit Account of Lerner and  
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicant

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MN:cgm

December 21, 2001

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